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CONCORD, N.H.

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January 21

Mr. James J. Barry, Commissioner  
Department of Public Welfare  
State House Annex  
Concord, New Hampshire

Dear Mr. Barry:

This is in response to your request of January 16 for our opinion as to the liability of the town of Goffstown for expenses incurred in treating Leon Hartford at the Moore General Hospital in Grasmere from December 8 to December 14, 1957. You advise that on June 20, 1953 the Municipal Court of Goffstown found the boy to be a neglected child and committed him to your custody (RSA 169:10). At that time he resided in Goffstown.

It is our opinion that by virtue of RSA 169:11 the town of Goffstown is, in the first instance, responsible for the expense incurred in treating the child. In the event that ultimate responsibility for his maintenance rests upon some other person or municipal subdivision the town of Goffstown is entitled to reimbursement upon compliance with the statutory requirements of notice. (c.f. RSA 165:20, 21, 22, 24 and 25; RSA 166:3 and 4). No opinion is expressed upon ultimate responsibility for the hospital expenses.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

ETB/lt